

QUID NOVI

Journal des étudiant-e-s
en droit de l'université McGill

McGill Law's
Weekly Student Newspaper

Volume 35, n°1
24 septembre 2013 | September 24th 2013



QUID NOVI

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WANT TO TALK? TU VEUX T'EXPRIMER?

Envoyez vos commentaires ou articles avant
jeudi 17h à l'adresse : quid.law@mcgill.ca

Toute contribution doit indiquer le nom de
l'auteur, son année d'étude ainsi qu'un titre
pour l'article. L'article ne sera publié qu'à la
discretion du comité de rédaction, qui

basera sa décision sur la politique de
rédaction.

Contributions should preferably be submitted as
a .doc attachment (and not, for instance, a
".docx").

Co-Editor in Chief

AARON
FERGIE

'T WAS SWELL

Dear McGill Law,

I will be taking my leave as one of the Co-Editors-in-Chief for the Quid Novi after this issue. I have other commitments this year which fight for my time, so I would rather leave my role in the Quid to the capable hands of someone who can give it their loving attention.

My parting thoughts

The Quid Novi is an extraordinary vehicle for all members of the Faculty to share their passion. These pages have space for you to own: do so!

Some things to do with the Quid Novi

Start heated debates about the issues near and dear to your heart; express your observations on this microcosm we call "the Fac"; share the tips and tricks that you found useful for getting through law school; raise awareness about up and coming student events; lampoon the government; fundraise for fellow students in need; comment upon the hottest new Coffeehouse trends; criticize legal education here at McGill (or defend it!); present your poetry and artwork; keep us in touch with the happenings at the library; lighten up our day in so many ways; share your recipes; or, like so many of you do, just make like a pigeon and splatter some eavesdroppings over our pages!

Muhammed Ali

Last but not least, I want to share a Muhammed Ali quote with you:

"The fight is won or lost far away from witnesses - behind the lines, in the gym, and out there on the road, long before I dance under those lights."

Take care,

A

Co-éditeur en chef

JÉRÉMY
BONNELLY

QUEL DÉPART !

Pour quelqu'un qui aime débattre, la Charte des valeurs québécoises du gouvernement Marois pourrait sembler être une invitation livrée sur un plateau d'argent. Et si l'on se fie sur la réaction vigoureuse des dernières semaines, c'est effectivement une matière assez fertile pour les discussions. On avait presque hâte de recommencer le Quid juste pour cela !

Et pourtant si le gouvernement voulait nous livrer ce cadeau de début d'année, c'est plutôt un cadeau empoisonné qu'il nous aura laissé. Parce que derrière l'intéressant débat que le projet emporte inévitablement, c'est une réalité horrible qui se découvre.

On peut à la limite comprendre les intentions du gouvernement, admirer ses motifs et même souhaiter que la laïcité soit plus ardemment affirmée. Et pourtant force est de constater que les mesures par lesquelles il souhaite traduire ses intentions auront, si elles sont adoptées, des conséquences importantes sur les droits garantis par les Chartes canadienne et québécoise.


Vous aurez donc l'occasion de lire, dans ce premier numéro du 35e volume du Quid Novi, quelques textes portant sur ce sujet chaud de l'actualité. Espérons que le débat saura se poursuivre!

Par ailleurs, pour le Quid Novi, une nouvelle année signifie également une nouvelle équipe. Et quelle nouvelle équipe ! Plus d'une douzaine de bénévoles vous produiront à chaque semaine un nouveau numéro. Non seulement auront nous de nombreux chroniqueurs qui alimenteront le Quid en textes riches d'idées, mais la réalisation de ce projet sera rendue possible par le dévouement exemplaire de nos correcteurs d'articles et de nos éditeurs de mise en page. Fortunat, nouveau co-éditeur en chef, fera également son entrée en scène la semaine prochaine.

D'ailleurs, je profite de cette première édition pour vous souligner que vos contributions (qu'il s'agisse de textes, de caricatures, de poèmes, de mots de réconforts, d'Overheards ou de divagations diverses) sont ce qui fait vivre le Quid. Alors ne soyez pas timides et écrivez-nous à quid.law@mcgill.ca. Nous vous invitons également à consulter notre politique éditoriale, disponible sur notre site internet.

En vous souhaitant une année pleine de succès, de joie et d'amour,

Jérémy



LEE
MACMILLAN

QUEBEC'S PLACE IN CANADA:

A MELTING POT WITHIN A MULTICULTURAL MOSAIC?

It is a great misfortune that what could have proven to be an important catalyst for discussion regarding the rightful place of religion in society, has instead been transformed into a symbol of division between French and English Canada. While the Parti Québécois may have lost short-term face over what is agreeably a discriminatory, yet trivial, ban on religious garbs, I believe that it has won itself a much important strategic battle in its long-term war on the unity of the Canadian Confederation. The issues of multiculturalism, secularism, and the proper role for the State in the lives of its citizens are perhaps the most powerful tools that sovereigntists have to shift attention away from the shared values held between French and English Canada, and towards those value differences that separate them. These differing value systems are strongly rooted in the histories of France and England and date at least as far back as the days of the French Revolution and of the various political philosophies that arose in the late 18th century.

As can be seen in the writings of Jean Jacques Rousseau or witnessed in France's approach to politics both at home and abroad, the French have long tolerated a greater role for the state in the lives of their people. Unlike English imperialists, who typically left the foreign cultures over which they ruled more or less intact, French Imperialism was characterized more by its efforts to expand the myth of the French 'nation' beyond its borders; achieving this primarily by offering conquered peoples better access to higher education and by fostering a sense of French identity in them, regardless of their place of birth.

One might denounce this as a disrespectful and elitist form of cultural imperialism, or forced assimilation, if not for the fact that what is at the heart of the French value system is arguably what is also, or ought to be, at the heart of a truly Cosmopolitan value system. If there ever was a 'nation' in the history of mankind that is most responsible for pulling Man up and out of the Dark Ages and into what some rightly call an 'Enlightenment', it has surely been France. Moreover, it is surely unfair to presume, 220 years later, that the descendants of that great nation should not have the right to propose an alternative vision for a Charter of Rights and Freedoms that ultimately shapes the future direction of their society.

It is a mistake to conclude dogmatically and without reflection, a mere 30 years later, that simply because we have succeeded in constitutionally entrenching a Charter of Rights and Freedoms that that Charter is the embodiment of perfectly progressive values and modern thinking. Multiculturalism has to withstand the tests of time, trial, and error just like any other scientific or political theory. Politically expedient, discriminatory, and faulty provi-

sions aside, what Quebec's proposed Secular Charter really symbolizes is a lower tolerance for religious and cultural freedoms amongst French Canadians than may be present in the rest of Canada. It is far too easy to dismiss this as crude Xenophobia when it really may just be an attempt to give cultural direction to what is still a very young country at a time when many feel that Canada is becoming an empty vessel for the rest of the world to do with as it pleases. Paradoxically, a country must first have to tolerate alternative definitions of tolerance before it can truly call itself a tolerant country, which may require adopting different standards for different groups of self-identifying 'peoples'.

After all, one of the major criticisms of the Canadian Charter is that, much like the American Constitution, it relies overwhelmingly on the concept of individual rights at the expense of group rights. This poses the risk of 'over-openness', or leaving people, especially young people, with too many options and too little cultural direction. With the advent of the internet this makes it far too easy for disillusioned youth to retreat from society and civic engagement, and instead look for forms of meaning from potentially dangerous sources of influence abroad.

For example, Ed Husain's *The Islamist* is a compelling look at how far less multicultural states than our own in the Middle East and Indonesia took advantage of British multiculturalism in the late-1990s to create what were effectively pockets of Islamic extremism amongst disillusioned Muslim youth in London. What is telling for our purposes is the role that religious garbs played in radicalizing young people. Much like hipsters stealing their grandparents' sweaters, religious garbs went from being something older people wore into a full-fledged fashion statement for trendy young people, and was used to peer-pressure young people into strengthening their ties with offshore religious networks. People often forget that religious garbs experience shifts in popularity like any other piece of fashion. Indeed, prior to the first Intifada in the late 1980s, it was far more acceptable for Muslims in the Arab world to dress in a non-religious manner than it is today. While clothing can be a powerful form of religious expression, it can also be a tool for ostracizing people with alternative views.

While I would tend to agree that banning religious garbs in public institutions would do little to preserve Quebec culture, or perhaps even provoke rebellion by giving young cultural minorities something to fight against, I also agree with Quebec's right, as a recognized nation, to enjoy self-determination with respect to cultural matters. It is perhaps a mistake to assume that a multicultural federation has no room for a melting pot at the provincial level. Perhaps what the current form of multiculturalism is

missing is greater respect for diversities between groups, and not just individuals.

Indeed, while formally enacted in 1982, the Charter of Rights and Freedoms is a product of the political and intellectual climates of the 1940s-1970s. Back then, the state commanded far more power and influence over cultural matters, and controlled at the top as some states were by small cadres of ideological individuals, provided a dangerous tool for cultural and religious oppression. But much has changed since the days when Trudeau adventured through the authoritarian worlds of Eastern Europe and the Middle East circa-1950. Today, advances in communication technology have had the effect of diverting cultural authority away from governments at home and towards global networks defined not by any kind of shared territory, but by

shared ways of thinking. One merely has to spend a day surfing the internet to understand how porous Canada's cultural barriers really are.

This is all to say that, in the age of the global village, perhaps there is room for us to dampen our unflinching mistrust of the state, accompanied as it were with our edification of individual rights, or at least respect the right of Quebecers to do so. If technological advancement accomplishes anything, it is to concentrate a greater amount of power into the hands of a smaller number of people, and with that the traditional machinery of government becomes replaced by more efficient and less conspicuous tools of political control by cultural movements abroad that have not necessarily adopted the kinds of internal restraints that liberal democracies abide by.



Law III

LA CHARTE DE LA DISCRIMINATION

En 1763, la Couronne britannique introduisait le Serment du Test au Québec. Afin d'accéder à la fonction publique, le Canadien français devait renier sa foi catholique. Il y a des peuples qui reproduisent les souffrances qu'on leur a fait endurer.

Le gouvernement péquiste propose maintenant le même type de mesure via la Charte des valeurs québécoises : refuser l'accès à la fonction publique aux individus portant des signes religieux. Après tout, il faut bien conserver ces emplois entre nous. Parce qu'il faut se l'avouer, bon nombre de ces immigrants ont fui la discrimination religieuse de leur pays d'origine : le juif d'Europe, le sikh d'Inde ou la musulmane de Turquie. Ils habitent le Québec pour vivre leur religion, une liberté qu'ils n'avaient pas antérieurement. Le juif ne retirera pas sa kippa; le sikh, son turban ou la musulmane, son voile. On n'enlève pas si facilement une part de son identité. Ils devront donc quitter leur emploi. Une belle épuration de la fonction publique québécoise. Curieuse façon de bâtir un pays.

Face à des hommes croyants refusant de discuter avec une policière simplement parce qu'elle est une femme, le public québécois s'est souvent soulevé, avec raison. Or, il propose maintenant de systématiser l'intolérance sur le plan religieux. On refusera l'intervention d'un policier portant une kippa parce que la liberté de religion a pris le bord avec le rejet du catholicisme, il y a quelques années. Comme l'indiquaient Gérard Bouchard et Charles Taylor, «le danger, c'est de retourner contre l'ensemble des religions le sentiment d'hostilité hérité du passé catholique.»

Dans une société libre et démocratique, l'État représente la collectivité, une pluralité d'individus. L'État doit permettre au citoyen de vivre en liberté plutôt que de lui imposer sa vision. Au regard de la religion, l'État doit se positionner comme agnos-

tique en respectant la diversité des croyances avec égalité. Il doit être un exemple de tolérance. Engager un secrétaire portant une kippa pour sa compétence, c'est ça, la démocratie : l'acceptation de tous comme égaux. L'État est une pluralité d'individus avec leurs propres opinions. Il doit se représenter comme tel.

La face de l'État s'homogénéise, se stérilise quand on renvoie une technicienne de laboratoire, une releveuse de compte d'Hydro-Québec et une dame faisant passer les examens de conduite parce qu'elles portent le voile. La fonction publique sera affectée en profondeur en rejetant ces croyants.

Le Parti Québécois croit-il vraiment qu'il s'attaquera à même un seul des enjeux concernant l'égalité homme-femme via cette nouvelle Charte? À ce niveau, il s'agira d'une mesure superficielle qui balayera, avec le reste de la poussière, le voile de la musulmane sous le tapis. Plutôt que d'aider ces femmes obligées par leur famille à porter le voile, le Parti Québécois propose simplement d'ignorer l'existence de femmes voilées, brimant par la bande la liberté de réelles croyantes.

Une éducatrice de CPE portant un voile, un professeur portant une kippa ou un éboueur portant une croix illustrent la réalité sociale du Québec. Leur contact avec le public a le potentiel de renforcer l'ouverture d'esprit de notre population. Enfin, ce sera le cas si le gouvernement actuel n'impose pas sa propre croyance selon laquelle toute religion visible est une maladie. Ce gouvernement s'illustre comme un exemple d'intolérance.

Au final, le Parti Québécois propose un rejet des valeurs québécoises. Un rejet de la liberté de religion cristallisée dans la Charte des droits et libertés de la personne du Québec. Espérons que le Parti Québécois, comme à son habitude, va reculer.

**ROBERT
LECKEY**

LETTRE OUVERTE

Dans une entrevue avec La Presse canadienne, mardi le 27 août, Bernard Landry a fustigé la «dérive méprisante» de la presse anglophone du Canada contre la future Charte des valeurs québécoises. L'ex-premier ministre et ancien chef du Parti québécois a attribué les critiques publiées en anglais à l'ignorance profonde du Canada anglais des réalités du Québec. Ses propos illustrent toutefois la pernicieuse tendance de nier une réalité cruciale du Québec actuel, soit sa diversité interne.

Bien que le gouvernement n'ait pour l'instant déposé aucun projet de loi, les grandes lignes du débat deviennent déjà familières. Je ne vais donc pas réitérer l'hypocrisie évidente du traitement préférentiel réservé au crucifix de l'Assemblée nationale. Mettons de côté aussi la non-conformité frappante du projet de loi tel que décrit avec les chartes des droits et libertés, tant québécoise que canadienne, ainsi que la mince preuve que nous sommes confrontés à une vraie «crise» d'accommodements raisonnables.

Ce qui me préoccupe, c'est la façon dont M. Landry et d'autres redéfinissent la société québécoise. Ils expulsent effectivement des personnes manifestement religieuses du corps politique et les privent ainsi du droit de parole.

Mais donnons son dû à M. Landry. Il est vrai que de temps à autre le Globe and Mail et le National Post semblent prendre un plaisir malin dans leur couverture des incidents québécois ayant trait à la diversité culturelle. M. Landry a aussi raison de noter le caractère métissé de la population québécoise.

Le problème fondamental est le déplacement de la question de l'interdiction du port des symboles religieux vers l'intégration des immigrants. Admettons qu'il soit raisonnable pour une société de se questionner sur ce qu'elle demande aux nouveaux arrivants – ainsi que ce qu'elle leur doit. Reconnaissons toutefois que les catégories des immigrants et des personnes qui portent des signes religieux ne sont pas les mêmes.

Une loi qui brime les droits fondamentaux de la liberté de religion et d'expression en prohibant le port de symboles religieux ne touchera pas seulement les immigrants. Elle affectera plusieurs citoyens québécois, qu'ils se soient naturalisés une fois arrivés ou qu'ils soient nés ici.

Que nous pensions à la kippa, au turban, au voile ou à la croix, ces symboles sont portés par ceux qui, loin de frapper à nos portes afin de demander le privilège d'accéder à notre communauté, sont déjà ici à titre de membres et citoyens à part entière.

Dans plusieurs cas, et je dis cela vu l'importance de l'histoire pour certains intervenants dans le débat, ceux qui portent des signes religieux ont des racines profondément ancrées dans le sol québécois. Les juifs de Montréal n'en sont qu'un exemple évident.

Quel est l'effet rhétorique de confondre la diversité et l'expression religieuses avec les défis d'intégration des immigrants? C'est de construire un Québec authentique, laïc et homogène duquel les voix opposantes sont purgées. C'est de délégitimer l'opposition en la dépeignant comme étant étrangère au vrai Québec, comme l'opinion ignorante des autres, d'ailleurs.

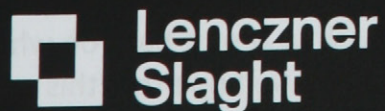
En soulignant l'impact potentiel de la Charte sur les personnes religieuses québécoises, je n'accepte pas la justesse d'exclure du débat ceux qui sont bel et bien nouvellement arrivés. Une société qui se dit ouverte à l'immigration, telle la nôtre, doit écouter et pondérer leurs perspectives. Mais il est particulièrement nocif d'effacer la présence et la place légitime de nos concitoyens et de les museler.

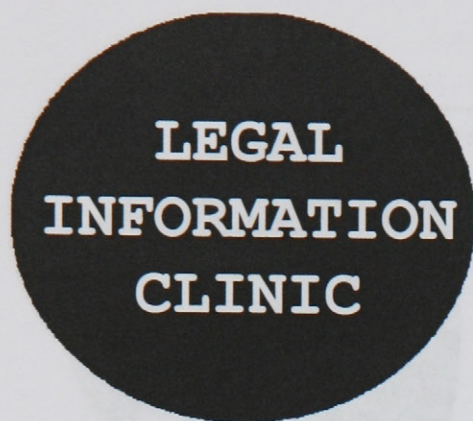
M. Landry dit avec raison que les intervenants dans le débat sur la Charte des valeurs québécoises doivent ouvrir les yeux afin de tenir compte des réalités du Québec contemporain. Or, selon ces réalités, l'opposition à cette initiative s'inscrit fermement dans la société québécoise. Elle est parmi nous.



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THE LEGAL INFORMATION CLINIC AT MCGILL CELEBRATES 40 YEARS

LA CLINIQUE D'INFORMATION JURIDIQUE À MCGILL CÉLÈBRE 40 ANS

The LICM and the McGill Faculty of Law are proud to present a conference on the legal clinic experience, "Partnering Social Justice and Legal Education across Boundaries," to celebrate the 40th anniversary of the LICM.

Fondée par des étudiants en 1973, la Clinique d'information juridique à McGill était une des premières cliniques juridiques ainsi que la seule clinique entièrement gérée par des étudiants au Canada. La Clinique est un organisme à but non lucratif offrant un service bilingue et gratuit d'information juridique pour la communauté du grand Montréal et de l'Université McGill. La Clinique compte 6 directeurs, plus de 100 étudiants bénévoles et en moyenne 4,000 cas d'information juridique et entre 100 et 150 cas à travers le programme « Représentation étudiante » par an. La Clinique est une institution bien ancrée dans la communauté du grand Montréal et de l'Université McGill.

Interested in knowing how clinical legal education could help law students play a more important role in improving access to justice? Want to know more about the access-to-justice challenges facing community organizations in Montreal? Interested in the ingredients for a mutually rewarding relationship between legal education and community development/community justice initiatives? These are just some questions that will be addressed during the conference. The conference will bring together members of legal clinics, lawyers, students and professors to discuss the future of legal clinics, access to justice, and clinical legal education.

La conférence aura lieu le vendredi 18 octobre 2013 de 9 h à 17 h au Moot Court. Veuillez vous inscrire avant le lundi 14 octobre 2013 car les places sont limitées (cette conférence est gratuite). L'inscription se fait à travers le site Eventbrite :

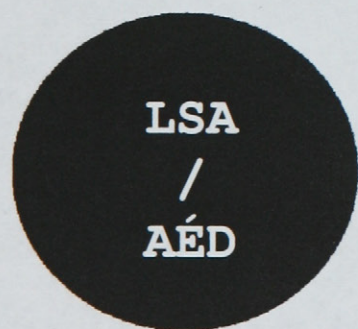
<http://licm40years-cijm40ans.eventbrite.ca/>. Le repas du midi et les collations seront préparés par le Santropol Roulant, un organisme à but non lucratif qui offre des approches novatrices à l'engagement des jeunes aux systèmes alimentaires urbains, à la sécurité alimentaire, et au maintien dans la communauté.

Venez nombreux après la conférence à notre 5 à 7 à Thomson House pour poursuivre les célébrations de nos 40 ans et rencontrer des anciens de la CIJM. Un buffet cocktail sera servi et un super DJ sera présent! Veuillez noter qu'aucune inscription n'est nécessaire pour le 5 à 7.

The Legal Information Clinic at McGill is excited by this wonderful opportunity to celebrate its 40th anniversary. The LICM began at the initiative of McGill law students, and we hope that current law students will join us at the conference to discuss the contribution they can make through clinical legal education.

For more information, or if you have any questions, please contact Laura Damecour, Project Coordinator, by e-mail: conference.licm@mcgill.ca.

Nous espérons vous compter parmi nous pour participer à la discussion et célébrer nos 40 ans! Don't forget to follow the Legal Information Clinic at McGill on Twitter, Facebook and LinkedIn!



WHAT THE LSA HAS BEEN UP TO DURING THE SUMMER

L'AED travaille pour vous non seulement tout au long de l'année scolaire, mais également pendant l'été! We spend a large part of the summer setting up structures, initiatives and events in preparation for the year. In order to inform the student body of what goes on at the Faculty and with the LSA during the summer, Exec members have prepared a short summary of the tasks they have accomplished over the summer. N'hésitez pas à nous écrire ou à venir nous voir si vous avez des questions ou des commen-

taires!

PRÉSIDENTE – ÉLOISE GAGNÉ

Dear students of the Faculty,
I hope that everyone is having a great beginning of the year! As a matter of making the LSA's activities more transparent to you, your LSA Executive members now wish to report back on what they have been up to over the summer. We hope that this will

help you understand what the responsibilities of the LSA are and that you will know who to approach with your inquiries.

Au courant de l'été, j'ai suivi de très près les activités des vice-présidents dans tous leurs mandats. Tant au plan académique que pour l'Orientation ou pour le budget, je me suis assurée que les projets de l'AÉD puissent se réaliser en fournissant à mon équipe les outils nécessaires à cette fin.

Among other things, I have been in communication with the Dean all summer to coordinate adequately the beginning of the year with the Faculty. I have also met with other presidents of student associations at McGill and been in contact with presidents of other faculties of law in order for our Faculty to be more connected with the outside world. You will get more news on these initiatives in the following weeks.

J'ai également longuement discuté avec l'administration de McGill concernant le renouvellement de notre contrat avec l'Université (the «famous» Memorandum Of Agreement). Les groupes les plus touchés par la nouvelle entente potentielle, soit les clubs, ont été mis au courant lors de la rencontre du 11 septembre de certains changements qui pourraient les affecter. L'AÉD communiquera avec eux prochainement afin de bien orchestrer les discussions. Restez donc à l'affût sur le sujet! Le reste de l'entente concerne davantage les relations de l'AÉD avec McGill et vise principalement à ce que toutes les transactions entre les deux entités se fassent de manière harmonieuse. Pour l'instant, le tout va bon train!

Aside from the MOA, please stay tuned on other important LSA discussions regarding last year's referendum, the status of official languages, various administrative reforms, and many more! Nous espérons que ce bref rapport vous donne un aperçu adéquat de nos tâches au courant de l'été. Nous nous attelons maintenant à bien démarrer nos projets pour l'année! N'hésitez pas à contacter l'AÉD pour toute question ou commentaire!

VP ADMINISTRATION – ANNE-SOPHIE VILLENEUVE

The summer of a VP Administration is a busy one! The main tasks I was responsible for included the design and compilation of the LSA agenda (that 1Ls received in their Orientation bags, also available at the LSA Office), the sending of regular email listservs to all students of the Faculty, management and updating of the LSA website and organization of the selection process for LSA and Faculty Council Committees, a process necessitating the conduct of interviews with the candidates and careful review of their profiles with the LSA President and the rest of the Executive.

En plus des tâches estivales habituelles dévolues au VP Administration, j'ai travaillé avec le reste de l'Exécutif sur un projet de développement d'une application mobile pour l'AED (qu'il est maintenant possible de télécharger gratuitement!). J'ai ainsi assisté Gajan, le VP Finance, dans la recherche de développeurs et la mise à jour du contenu de l'application.

Finalement, j'étais également membre du Comité d'orientation, qui était responsable de l'organisation des activités d'accueil pour les nouveaux étudiants. J'ai ainsi assisté à plusieurs réunions au courant de l'été pour planifier ces activités, en plus d'être présente tout au long de l'Orientation pour veiller, avec les autres membres, à la bonne marche des événements. More specifically, I was in charge of organizing Welcome Ball, which was held this year at the Omni Hotel.

This summer was therefore a busy and challenging one, but it was also a great experience that helped me ease into my role as VP Administration and allowed me to meet and work with fantastic people on interesting events and activities. I look forward to continuing the work this year and getting to meet as many of you as possible! N'hésitez pas à m'envoyer toute question ou commentaire à vp-admin.lsa@mail.mcgill.ca.

VP ACADEMIC – MARC ROY

The biggest task for the VP Academic over the summer months is organizing the ever-popular Law Partners Program, pairing new students with mentors in upper years. New this year, I introduced an element of language partnership into the program to foster bilingualism in the Faculty, by encouraging new students with an interest in practicing their second (or third, etc.!) language to request an upper-year student who is more comfortable in that language. It proved to be a popular choice: I look forward to hearing about the experience of students who chose this option! I spent many hours looking over everyone's submitted profiles and did my best to create perfect matches.

Au début de l'été, j'ai consulté le SAO à propos des matériels d'inscription aux cours pour les aider à éviter les conflits de cours et d'examens et de rapidement rectifier les problèmes qui sont quand même survenus. J'ai aussi été actif en informant les étudiants (sur les groupes Facebook, par exemple) pendant le processus et en les aidant autant que possible avec leurs problèmes d'inscription.

I worked with the SAO throughout the summer, with results including the creation of the new SAO Advisory Board, which will give a stronger place to student involvement in oversight of the SAO's activities and a clear way to channel student ideas and complaints about academic services in the Faculty. On top of the creation of the Advisory Board, we planned for a more active consultation between the SAO and LSA (through me as VP Academic) than in recent years.

J'ai hâte de continuer mes tâches pendant l'année scolaire, et de vous représenter dans toute matière académique. Comme toujours, vous pouvez m'envoyer toutes vos questions et commentaires à vp-academic.lsa@mail.mcgill.ca.

VP RELATIONS PUBLIQUES – MATTHEW QUADRINI

This summer has been a busy one! Along with helping to organize Orientation and assisting with the development of the new LSA app (que vous devriez télécharger!), I have been hard at

work finding sponsors to support our various events and causes. We have an exciting series of events lined up for 2013-2014 including a speaker series as well as "Tea-Houses", a new concept which will be unveiled in January and will allow students to meet with legal professionals in a cordial atmosphere over coffee, tea and pastries. I have also been working with many clubs to create new relationships with sponsors. While you may notice a few changes this year, I continue to strive to create and facilitate events which will create meaningful interactions and which will hopefully serve you well during your job search.

Je vous souhaite un bon retour et j'espère que vous participerez en grand nombre à tous les événements de l'AED, ils sont à ne pas manquer.

All the best!

VPs INTERNAL – MARIE RONDEAU & FRANK ARSENEAULT

The summer of a VP Internal is filled with sunshine, good friends, and orientation planning. Organizing orientation began in May with the formation of our very own Orientation Committee. Our first few meetings were dedicated to discussions about the good aspects of Orientation 2012 and the events we wanted to improve. We talked about new events, different venues, a theme and an overall plan for Orientation 2013. Once we agreed on a preliminary calendar of events in June, we set out to make calls and send out the countless emails necessary to planning such a series of events. Seriously, we sent more emails this summer than we did in the last ten years combined.

In July, we began updating and reorganizing the registration handbook with the events of Orientation 2013. The first version drafted in mid-July was re-worked and updated about eight thousand times, until we finally got it right with the final version in August. Just creating the Orientation calendar, on its own, was a feat of time management and event booking we never thought a small group of humans could accomplish!

VP EXTERNAL – JOHN SIMPSON

My first four months as VP External of the Law Students' Association were valuable, as I learned the particulars of my position. One of my tasks is to manage the ordering, receiving, and distribution of the McGill Faculty of Law's apparel, and I arranged a system over the summer that makes the distribution of the sweaters easier and more efficient. The first order of sweaters was distributed on Friday September 6, and the next order will be going out in October.

In addition, I was actively involved with organizing Orientation Week for the incoming 1Ls as a member of the Orientation Committee. I give all the credit to my fellow Committee members for making the planning of Orientation an amazing experience. The credit for the success of Orientation Week, however, has to go to the 1L class who supported our efforts by turning out in huge numbers.

I have also been in contact with the other civil law faculties in Canada, and have met with all of their student association VP Ex-

ternals in person on two different occasions, as well as their presidents on one occasion. Sharing ideas and information between the civil law faculties at uOttawa, Laval, Sherbrooke, UdeM, UQÀM, and McGill has been a pleasure, and I look forward to working with them in the future.

My opportunity to represent the Faculty of Law to the greater McGill community began on September 12, as I sat on my first SSMU council meeting. I'm looking forward to another exciting year.

VP CLUBS & SERVICES ÉTUDIANTS – ALEXANDRA FREEDMAN

La grande majorité de mon travail se fait à la rentrée scolaire, donc mes tâches étaient plus limitées au cours de l'été. J'ai néanmoins passé beaucoup de temps à répondre aux questions des étudiants concernant les clubs par email. Je voulais m'assurer que tous les étudiants qui voudraient participer à un club ou en démarrer un auraient les outils nécessaires pour concrétiser leurs projets en septembre. J'ai également étudié le calendrier afin de choisir toutes les dates limite concernant l'enregistrement des clubs. Also, I revised all of the documents regarding clubs to be ready for the start of the year and for them to be available on the LSA website as soon as possible. The most important documents were the Budget Registration Form, the funding guidelines for allocation as well as the budget template. I am also responsible for the Dean's Discretionary Fund, so with the help of the VP Finance, I looked over the process of allocation and the guidelines for this fund. Finally, I met with the LSA Executive so we could discuss our activities and responsibilities for this 2013-2014 school year.

VP FINANCE – GAJAN SATHANANTHAN

Over the summer, outside of trying to keep regular financial operations going while the office was under renovation, the biggest financial project we have to deal with is the audit. Cette procédure de clôture a commencé en mai avec les collections de toutes les créances et les paiements de tous les comptes fournisseurs qui sont survenus avant le 30 avril. After that, we send all of our financial information to our Bookkeeper, who compiles it and sends it on to our auditors at Fuller Landau. They look at it and come to us with questions about things that look funny or they want to check. Questions like: Why was Law Games more expensive this year (Answer: It wasn't, in previous years participants gave money directly to law games expenses, but this year that money went through the LSA to make payments easier. This looks like we spent more, but really most of that money came from the Law Games participants themselves). Les réviseurs-comptables sont vraiment contents de toutes nos procédures de financement. Nous regarderons tous les résultats des finances de l'année dernière à l'AGM.

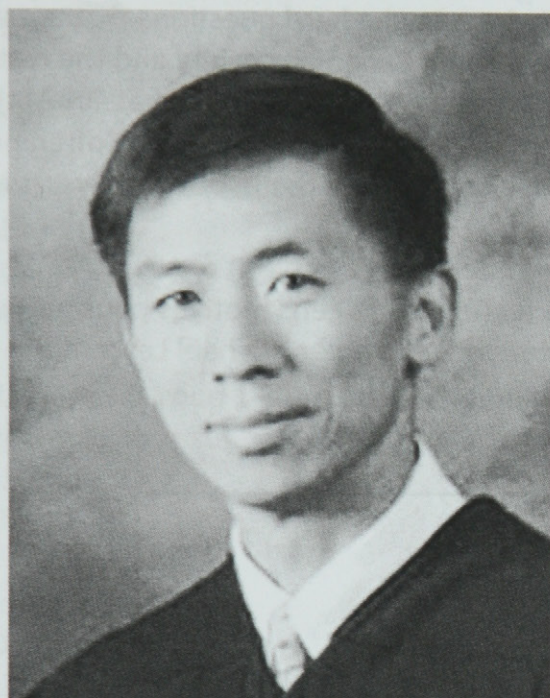
Cet été nous avons aussi commencé le processus budgétaire. Les revenus sont moins élevés que l'année dernière, donc il faudra que nous réduisions nos dépenses cette année. If you want to provide some input into this process, come see me in my office hours or join one of the open consultations happening in the next month.

Looking forward to working with all of you this year!

MCGILL LAW JOURNAL ANNUAL LECTURE

JUSTICE GOODWIN LIU

"JUSTICE AND DISTRIBUTION OF EQUAL OPPORTUNITY"



Mercredi, le 16 octobre
à 18h00

Salle 100, NCDH

3644 rue Peel

suivie d'une réception à l'Atrium

It is commonplace for politicians and policymakers to begin with the premise that there ought to be "equality of educational opportunity." What does this concept mean? What are its limitations? And does it provide meaningful guidance for public policy? This talk will specifically examine John Rawls's principle of fair equality of opportunity and the kinds of inequalities it does and does not address.

Justice Goodwin Liu is an Associate Justice of the California Supreme Court. Before joining the state's highest court, Justice Liu was Professor of Law at the UC Berkeley School of Law. In 2010, Justice Liu was nominated by President Obama for the United States Federal Court of Appeals.



McGill Law Journal
Revue de droit de McGill

Point de fuite.

Point de fuite.ca is an online journal that encourages the exchange of political ideas within Québec's youth. A good debate is characterized by solid arguments that are upheld through a nuanced standard of thought. The sources are cited, the writing is clear, stripped of deceptive qualities, and rid of fallacies that only weaken the discussion. 'Point de fuite' distinguishes itself from other blogs and social networks because it exercises an intellectual rigour and approach to publishing its articles. Consequently, each text is revised by a team of editors who work in conjunction with the author of the text. The comments allow the writer the opportunity to hone their writing skills and refine their argument.

Point de fuite donne la parole à la jeunesse québécoise. Les grands débats sociaux du Québec et du Canada, ce sont aussi les nôtres. L'éducation, la santé, l'économie, l'environnement sont, parmi bien d'autres, des enjeux qui nous tiennent à cœur. La jeunesse ne se résume pas à un courant de pensée, elle ne se dé-

clare pas d'un seul parti. Au collégial comme à l'université, ou encore chez les jeunes diplômés, les points de vue sont multiples. Point de fuite a pour premier objectif d'exprimer cette pluralité de pensées. De la sorte, les articles qui y sont publiés s'inscrivent sur l'un ou l'autre des nombreux faisceaux du spectre politique. Point de fuite en est leur perspective.

Pointe de fuite stands up to the hard questions that are posed in contemporary Quebec and Canadian society and the rest of the world: youths need to feel responsible and be a part of the solution. The current political debate is stagnant, too often polarized, and lacks the depth and attention the issues deserve. It is time to change the situation.

Nous sommes à la recherche de gens motivés pour participer au projet. S'il vous intéresse, contacter Michaël Lessard à m.lessard@pointdefuite.ca.

STUDENT AFFAIRS OFFICE

SERVICES FROM THE SAO

The Law SAO provides information and guidance for graduate and undergraduate students on the following: programs, degree requirements, registration, advising, course changes & schedules, procedures for withdrawal, exam schedules & conflicts, deferred & supplemental exams, rereads, academic standing, leave of absence or term away, and graduation.

Voici un aperçu des différentes façons dont mon équipe peut vous appuyer :

PAR COURRIEL

Vous pouvez nous envoyer vos questions à sao.law@mcgill.ca. Please allow a minimum of 72 working hours for a response.

FRONT COUNTER SERVICES

SAO team members Jane Donga, Natalie Boudreau and Jessica Gelinas provide student support at the SAO front counter on the 4th floor during our new extended drop-in hours: Monday-Thursday, 10-12:30 and 2-4, Friday, 10-noon. Si vous voulez nous remettre des documents durant nos heures de fermeture, vous

pouvez tout simplement les déposer dans notre nouvelle boîte (« SAO Dropbox »), située directement en face du SAO. If you need urgent help, you will always find someone on the 4th floor during business hours.

Need room-booking assistance? Thomas Chalmers left the SAO in May to assume the role of Room Bookings Coordinator & Deputy Building Director. You will find Thomas on the 6th floor of New Chancellor Day Hall, where he will be happy to assist you with room bookings, lockers and other building matters. You can continue to make room-booking requests using this online form: <https://www.mcgill.ca/law-studies/room-bookings/form>

STUDENT ADVISOR

En janvier 2013, nous avons créé un nouveau poste de conseillère aux affaires étudiantes pour mieux vous assister au SAÉ (SAO). Stephanie Nowak, Student Affairs Consultant, (stephanie.nowak@mcgill.ca) tiendra plusieurs sessions d'information au cours de l'année scolaire et est aussi disponible pour vous aider à planifier votre charge de cours en fonction de vos

intérêts et de vos préoccupations.

APPOINTMENTS WITH SENIOR ADMINISTRATION

Do you have a serious matter you would like to discuss with someone? Or would you like more in-depth help with your academic planning? Write to sao.law@mcgill.ca to book an appointment with Associate Dean Jaye Ellis (Academic), Assistant Dean Aisha Topsakal (Student Life & Learning) or Nancy Czemmél, Director (Student Affairs).

Not sure who to speak to? Drop by or write to sao.law@mcgill.ca and we will point you in the right direction. You may also wish to refer to the SAO website where you will find information on program requirements, course offerings, exam schedules, course cancellations, SAO forms, important deadlines and much more.

Please take note of the following events planned by the SAO (dates are subject to change – watch for SAO emails).

Fall 2013 term:

Outgoing Exchange Info Session
Wed October 2
1:00 – 2:30pm
Moot Court

1st Year SLL Series (Group 1 & 2) Degree Planning
Friday October 4
12:30 – 2:30pm
NCDH 200

Money Monday Day
Monday October 7
12:30 – 2:30pm
Atrium

1st Year SLL Series (Group 3 & 4) Degree Planning
Friday October 11
12:30 – 2:30pm
NCDH 200

1st Year SLL Series (Group 5 & 6) Degree Planning
Friday October 18
12:30 – 2:30pm
NCDH 200

3rd year Degree audits
Monday October 21
1:00 – 2:30pm
NCDH 316

1st Year SLL Series Exam Prep session
Wed November 6
1:00 – 2:30pm
Moot court

Winter 2014 term:

4L Degree audits
Wed January 8
12:30 – 1:30pm
TBD

1st Year SLL Series Post-exam debrief
Wed January 29
1:00 – 2:30pm
Moot Court

Clinical Legal Education Open House
Wed February 19
12:30 – 2:30pm
Atrium

Clerkship Information Session
Mon March 10
1:30 – 2:30pm
TBD

Moot Information Session
Fri March 14
12:30 – 1:30pm
TBD

1st Year SLL Series Registration & Planning 2nd year
Wed March 19
1:00 – 2:30pm
Moot Court

1L Course Scheduling Advising (Group 1 & 2)
Friday March 21
12:30-1:30
TBD

Advising Day
Mon March 24
12:30 – 2:30pm
Atrium

Graduating students Focus Group
Wed March 26
12:30-2:00pm
TBD

1L Course Scheduling Advising (Group 3 & 4)
Friday March 28
12:30-1:30
TBD

1L Focus Group
Wed April 2
12:30-2:00pm
TBD

1L Course Scheduling Advising (Group 5 & 6)
Friday April 4
12:30-1:30
TBD

ANNUAL LECTURE IN HEALTH AND LAW

Paying for Health Impact

Thomas Pogge

Leitner Professor of Philosophy and
International Affairs
Yale University

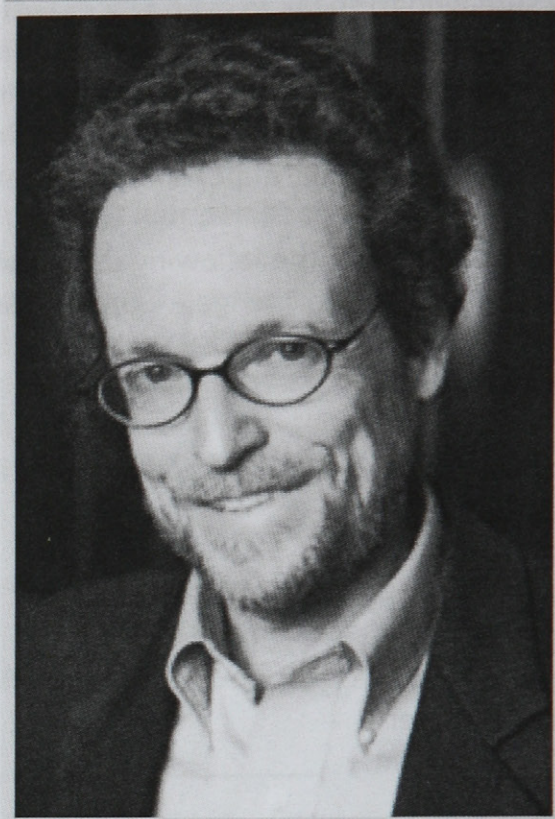
Vendredi, le 11 octobre 2013

à 14 h 30

Salle 100 NCDH, 3644 Peel

Space is limited
Kindly RSVP to rghl.law@mcgill.ca

Activité en voie de reconnaissance par le Barreau du Québec



Abstract

One-third of all human lives end in early death from poverty-related causes. Many of these premature deaths are avoidable through global health system reforms, including to the existing patent regime. The latter provides incentives for the development and distribution of new medicines; but it also leaves gaps, especially in poor regions. The Health Impact Fund is a mechanism intended to fill these gaps and to improve access to new medicines worldwide. The HIF would give pharmaceutical innovators the option to be rewarded according to the incremental health impact of their product rather than through a patent-protected mark-up. The HIF would stimulate the development of high-impact medicines (especially for currently neglected diseases), would ensure availability at low cost, and would encourage innovators to market such medicines with the aim of reducing the global disease burden. The feasibility of this reform shows that the existing medical-patent regime is severely unjust. Professor Pogge will (a) introduce the HIF proposal and its moral justification, (b) discuss its implementation, funding, and economic viability, (c) explain its advantages for pharmaceutical firms as well as the benefits for the health and welfare of affluent and poor populations and (d) report on efforts to pilot the HIF idea in particular jurisdictions.




McGILL RESEARCH GROUP ON
HEALTH AND LAW



Institute for Health
and Social Policy

L'Institut des politiques
sociales et de la santé



KE-JIA
CHONG

WHAT MCGILL STUDENTS NEED TO KNOW ABOUT CALL DAY

Call Day for Toronto OCI's is hectic and can be confusing. In this article, I endeavor to share information based on my experience with corporate firms and what I was privileged to hear from others. This information complements what the Career Development Office will be sending to the Toronto Listserv in addition to the information on

<https://www.mcgill.ca/cdo/recruitment/toronto> (login required).

What is Call Day?

Call Day is part of the Toronto formal recruitment process. This is a 15-minute period where you schedule in-firm interviews that will take place in Toronto on a Monday to Wednesday in November.

Specifically, the process goes like this:

- 1) At the end of August/beginning of September, you submit your resumé and cover letter to firms
- 2) In October, you have initial interviews, called the On Campus Interview (OCI), in Montreal
- 3) Several weeks after OCIs, on "Call Day," you receive calls from firms to schedule in-firm interviews
- 4) In November, you have your in-firm interviews on a Monday to Wednesday in Toronto
- 5) That Wednesday evening, firms will call candidates and offer summer positions.

Emails inviting you to dinner hint at which firms like you. Prior to Call Day, firms will email you to let you know they will be calling you on Call Day. Some will offer dinners. This is a good sign that they are interested in you. Others may offer lunches, and others may not even mention it. I would not necessarily see a lack of a dinner invitation as a bad sign given that firms only have a limited number of spots available, and some firms may not even offer dinners.

Some firms will offer cocktails. Cocktails are not dinners. Cocktails are more casual and are like Coffeehouse. You can go to part of a cocktail before heading to a dinner later in the evening. Dinners are full sit-down dinners with associates and partners that last for a couple hours. Prioritize the dinners over the cocktails. You can only do a maximum of two dinners: one on the Monday and the other the Tuesday.

Call Day requires ranking and preparation

Call Day is stressful and hectic. Firms will call at the opening hour of 8 AM. **I recommend the following:**

- Create a list of your ranked firms. When receiving calls, stick to the list. Do not deviate from it when you're receiving your calls and be certain that you made the decision for a good reason.

You can base this off of your impression at OCI's, the practice areas of the firm, hire-back rates, etc.

- Place firms in spots according to your rankings. Firms care about where you place them in your schedule. A number of firms interpret that the second slot Monday (10 AM) is your #1 choice, and 8 AM is your #2 choice as your practice round. I personally had a couple firms on the phone who were shocked when I suggested visiting them on Tuesday. You have 4-5 slots that you can use on Monday to interview with firms.
- Schedule maximum 5 firms for in-firm visits as that's all you can fit on Monday – alternatively, some students schedule extra firms on Tuesday but then cancel. Firms only want to offer spots knowing candidates really want the firm in order to not waste their offers. Placing a first interview on Tuesday sends the strong signal you don't really want them. Also, if you try to cover more than 5 firms in total by putting more firms on the Tuesday, it might get tough since you might get second-interviews to schedule Tuesday from your Monday first-interviews.
- Confirm your scheduling as calls come, rather than not confirming or being "flexible". Negotiating with firms and calling them back is difficult because lines are busy. Leaving messages is tricky and having your phone available and their phone available at the same time becomes a lottery. I heard firms may not necessarily give you a choice of what time they will have you, so that might make your scheduling more difficult. However, I proposed and set the time for all my interviews. If you are given times by firms, you might end up needing to deviate from your initial ranking of preference or have to negotiate times.
- If you have scheduling problems, negotiate for the length of time you want. Some firms will say interviews take 1.5 hours, others 2 hours. If you're having trouble, ask to take 1.5 hours. Note that some firms tell you (rather confusingly) that the interview lasts 2 hours to include the 30 minutes of "down-time" you should take between interviews. So clarify the length of the interview with your firm. Leave 30 minutes between interviews to find the firm, go to the washroom, etc. You'll need it to keep your energy up.
- Repeat the time, date, and name of the firm when you set an interview time. I suggest putting a sheet of paper with blank spots for that information in front of you where you will say(write?) what you will repeat back to the person on the phone. It's a very fast couple of minutes to schedule and the best way to reduce your anxiety is to remove the possibility of error.

Do not do the following:

- Schedule a first interview with a firm on Wednesday. The Tuesday and Wednesday slots are for second and third visits to the firm based on their initial meet with you on Monday. As you visit your firms, they will ask you to come back if they are interested.
- Spread yourself too thin. Make sure you have the 30 minutes

between interviews. And if you're the kind to get 12 in-firm interviews, don't visit each firm once over the three days – you will likely end up with no calls back because you haven't shown commitment. I recommend turning some down if that's the case.

- Overthink. After you set the schedule, be confident that your initial ranking was the right one.

Law I

**KIRSTEN
MORRY**

ASK A JUDGEMENTAL STRANGER

Welcome to Ask a Judgemental Stranger! In this column you can get all sorts of advice, whether practical, trivial, or hypothetical. I don't know much about anything, but e-mail me your questions anyway at quid.law@mcgill.ca with "Judgemental Stranger" in the subject line.

Q: A box keeps popping up in the midst of my professor's Power Point. He's minimized it, he's exited, but it keeps coming back, like the head of a Hydra. Is there a way to save my class from this scourge?

A: YES, there is. Tell your prof to click the blue link at the bottom of the box that has the phrase "AutoPlay options" in it. Now change the checked box to the one that says "Take no action." Congratulations, you are now the Hercules of your class.

Q: I don't want to do my actual schoolwork, but I want to feel virtuous and as if I'm learning. How should I procrastinate?

A: Drink deep from the fount of collective wisdom that is Wikipedia. Any article with the construction "the ____ incident" for its title will do. You can justify this as a way of increasing your stock of anecdotes to tell at coffeehouses.

Actually, if you want to procrastinate in a way that is al-

most like doing homework, and yet is not, you could read some decisions where people use "freemen on the land" arguments. *Macdonald v. First National Financial GP Corporation* is an unremarkable, even dry-sounding title for a case. Yet in just the first paragraph the judge uses the phrases "bizarre experience" and "ill-advised forays into the juridical world", and it gets livelier when excerpts from the appellant's testimony and documents are included. He claims "THE ALL CAPS NAME, MACDONALD, MICHAEL WILLIAM has nothing to do with me the human flesh and blood man created by God," and the judge's dry descriptions of his argument are masterful in their snideness: "[h]e says that by my calling him 'Mr. Macdonald' I was trying to 'trick' him into becoming the trustee of a 'cestui que vie trust' by having him agree that his name is 'Michael Macdonald'. He insisted that he was 'not a person' and that my requiring him to properly identify himself and establish standing before the Court would somehow expose him to criminal liability or other sanction." Okay, now go do your homework, for real.

Q: Where should I get my coffee before class?

A: Cut diagonally across the little courtyard on the west side of our building and head into the Stewart Bio building. This has a Second Cup inside. They sell a baked good named "Caramel Rage," which I have not tried, but would like to.

Vous aimez la rédaction ? Le journalisme judiciaire ? Faits et Causes vous donne l'opportunité de publier vos textes dans un média spécialisé en droit.

Qu'est-ce que Faits et Causes ?

Faits et Causes (www.faitsetcauses.com) est un journal web d'analyse de l'actualité à travers un prisme juridique.

Notre mission est d'expliquer et de compléter la nouvelle par le droit. Nous avons la conviction que l'accès à la justice ne peut être complet si les citoyens ne connaissent pas les rouages légaux de notre société.

Grâce à sa crédibilité, sa fiabilité et son dévouement, Faits et Causes a su se tailler un lectorat tant auprès du grand public que des avocats, juges et professeurs de droit.

Nos journalistes sont méticuleusement sélectionnés parmi un bassin de professionnels des domaines juridique et politique, et

ils sont à l'affût des nouveautés dans leurs champs d'expertise respectifs. Plusieurs ont fait leurs premières armes au sein du journal de leur faculté!

Le « campus » de Faits et Causes

À Faits et Causes, nous sommes conscients de la qualité des textes publiés dans les journaux étudiants des facultés de droit québécoises, et nous croyons qu'ils méritent d'être diffusés dans le grand public. Les meilleurs textes d'analyse et d'opinion publiés dans votre journal courent la chance d'être sélectionnés pour publication dans notre section « CAMPUS ».

Si vous désirez obtenir quelques conseils pour une rédaction journalistique rapide et efficace avant de débiter votre rédaction, n'hésitez pas à demander aux responsables de votre journal étudiant une copie de notre Guide de rédaction.

Si votre texte est sélectionné, notre équipe vous contactera pour vous en informer.

Pour plus d'information écrivez à : redaction@faitsetcauses.com

KAYLE SYKES

LAUNCH OF THE FEMINIST COLLECTIVE AT MCGILL LAW/COLLECTIF FÉMINISTE DE DROIT A MCGILL

Before final exams last April, an enthusiastic group of women at the law faculty got together to discuss plans for the upcoming year. The Women's Caucus had kept a very low profile over the 2012/2013 academic year, and we were looking to revive it under a new name that would better reflect our objectives and aspirations. Inspired by other feminist organizations, we chose The Feminist Collective at McGill Law.

The Feminist Collective will see its first year of activities in 2013-2014! We are a non-hierarchical group that envisions a world without patriarchy, sexism, violence, and the continued oppression, domination and devaluation of women. Through education and activism, both within our Faculty and in the greater community, we will empower ourselves and others to resist these things in all their forms.

Nous allons également continuer l'excellent travail du « Women's Caucus » en créant pour les étudiantes et étudiants de droit des possibilités d'apprentissage et un réseau de connaissances ainsi que des possibilités de formation, le tout axé sur la femme.

Pursuant to our first meeting, we have chosen to focus on the following projects this year:

1) Reaching out to other organizations and institutions in an ef-

fort to give back to the community. This will include performing research for the Centre for Gender Advocacy and contributing to other feminist groups' projects.

2) Organizing at least 2 workshops, one on salary negotiations and one addressing sexual harassment in the workplace.

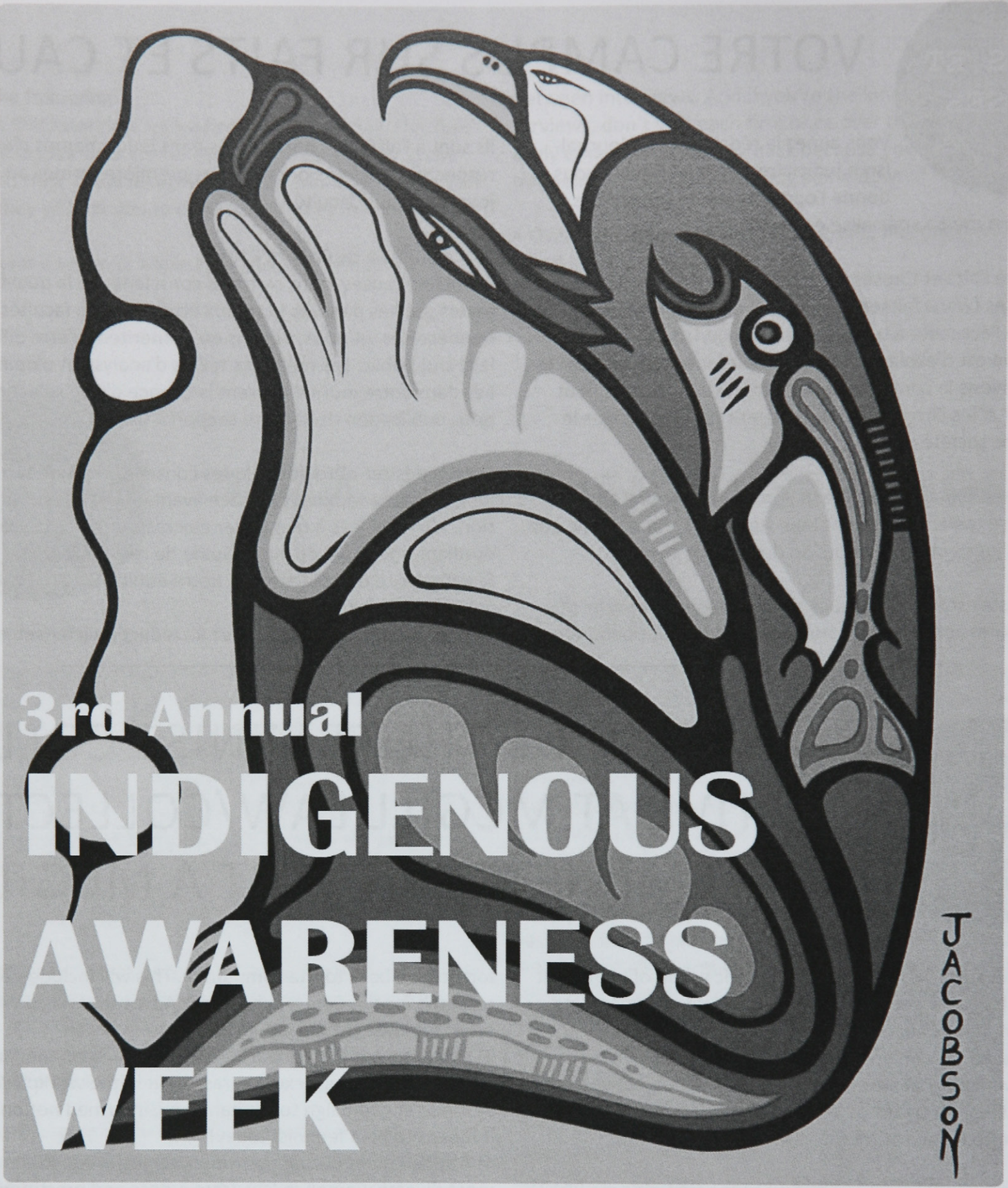
3) A poster campaign to dismantle misinformed notions of what it means to be a feminist today!

4) A speed meet during the winter semester for students to meet diverse women in law, from judges and practitioners to women who have chosen less traditional paths.

We need participation from people of all genders and backgrounds. Those who do not identify as female are more than welcome to join our group! Nous nous efforçons de créer un milieu sécuritaire, inclusif et coopératif, basé sur la compassion et le respect. N'hésitez pas à nous contacter si vous voulez vous engager avec notre groupe, si vous voulez en apprendre plus, ou si vous voulez vous ajouter à notre liste de distribution.

feministcollective.mcgill@gmail.com

PLEASE COME SUPPORT US AT COFFEEHOUSE THIS THURSDAY, SEPTEMBER 26TH. WE ARE CO-HOSTING WITH CONTOURS AND WOMEN IN THE CRIMINAL LAW and will have cupcakes and other food for sale!



3rd Annual INDIGENOUS AWARENESS WEEK

JACOBSON

Come take part in McGill University's 3rd annual Indigenous Awareness Week!

Discover the rich traditions and histories of Indigenous peoples across Canada, including the Métis, the Inuit and First Nations.

- Celebrate Indigenous cultures and topics
- Learn about issues of identity, Indigenous women's rights, and colonial history
- Participate in a dreamcatcher-making workshop, Wapikoni film screening and much more

September 23-27 2013
aboriginalnetwork.mcgill.ca



aboriginalsustainabilityproject



McGillASP



McGill



Aboriginal
Law
Students'
Association



**FIRST
PEOPLES'
HOUSE**



PGSS



McGill Centre for Human
Rights and Legal Pluralism
Centre sur les droits de la personne
et le pluralisme juridique de McGill



**Wapikoni
mobile**



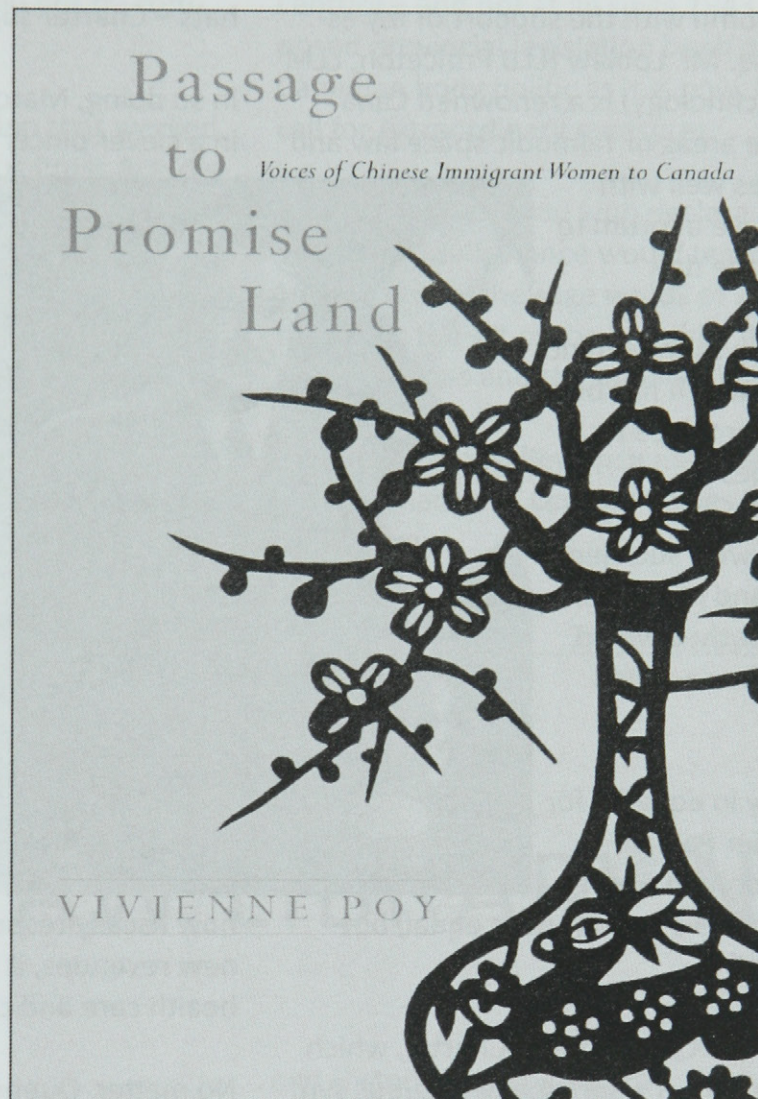
Artwork by Mark Jacobson, visit markanthonyjacobson.blogspot.ca

BOOK LAUNCH & PANEL DISCUSSION

Asia Pacific Law Association of McGill
(APLAM) and McGill-Queen's
University Press celebrate the release of

PASSAGE TO PROMISE LAND

*Voices of Chinese Immigrant
Women to Canada*



PANELISTS: Professor Grace Fong (McGill University),
Janet Lumb (Former Director of AccèsAsie),
Me Walter Tom, and Dr. Vivienne Poy.

Monday, September 30, 5:30 to 7:00pm
Maxwell Cohen Moot Court
Room 100, New Chancellor Day Hall, Faculty of Law
McGill University, 3644 Peel Street, Montreal, QC

A reception will follow to celebrate APLAM's 10th anniversary.
RSVP to: aplam.mcgill@gmail.com



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BOB LOBLAW'S LAW BLOG

Greetings and salutations to one and all. Please accept our most gracious welcome.

As always, I write this humble column with the support of my esteemed colleague Bob Loblaw, Esq. Mr. Loblaw (LLB Princeton, LL.M. DeVry, LL.D. Indiana Institute of Technology) is a renowned Canadian jurist practicing mainly in the areas of Talmudic space law and comparative food law ("What goes well with veal?"). Like me, he is happy to have a forum to discuss semi-important issues of the day.

Today's topic shall delve into the byzantine mind of the Parti Québécois collective, which has been kind enough to bestow upon the province its plan for a Charter of Québec Values™.

This is one of those times when I wish such legendary Quebecers as F.R. Scott and Mordecai Richler were still with us. I suspect they would find very little of actual value in the so-called Charter of Values.

Both gentlemen believed strongly in equality for all before the law, whereas Premier Pauline Marois, like Napoleon the bossy boar in George Orwell's *Animal Farm*, seems to believe "everyone is equal, but some are more equal than others."

By now you are all familiar with the PQ's proposed Charter, which seeks to prohibit public employees from wearing any religious symbols not already attached to the top of Mount Royal or the wall of the National Assembly.

In a way, this proposal is a tempest in a teapot, as it seeks to address a problem that does not exist. On the other hand, the Charter remains a deeply odious and culturally damaging proposal.

From the moment it was announced, I strongly suspected Madame Marois had no real intention of passing the Charter into law. Her government is a weak minority, elected only one year ago but already long past its best-before date in many ways.

To his credit, Liberal leader Philippe Couillard has said the Charter will become law "over my dead body." That means the PQ must depend on the third party, François Legault's CAQ, for support of the Charter. But Legault, in a half-baked compromise, says it should apply only to workers in positions of "authority." This would undermine the entire Charter as formulated.

So what is the point of the Charter then, if it cannot be passed? For the PQ, it is a brilliant political wedge – a reactionary, deeply cynical wedge designed to divide Quebecers into white hats and black hats – Charter supporters, and Charter opponents.

In so doing, Marois hopes to crush the moderately nationalist CAQ in a clever pincer movement, and paint the Liberals as pro-Ottawa stooges who pander to "radical" minorities while abandoning the Francophone majority.

In Montréal, Gatineau, and Québec City, support for the PQ's divide-and-conquer strategy is lukewarm at best, and falling fast. But in the Québec heartland, Marois' plan appears to be working, with support for the Charter holding solid and voter support for her party – the real prize in all this – on an upward swing.

It's still early days yet, but Marois may yet get her coveted majority. But at what cost?

Québec, once the economic and financial capital of Canada, is in a sorry state. It lost more full-time jobs over the summer – 30,000 – than any other province. The PQ is determined to show how fiscally responsible it is by balancing the budget. But lacking new revenues, it is forced to make deep cuts in silly little things like health care and post-secondary education.

No matter. Québec long ago lost its economic crown to Ontario and the West. The PQ and its supporters appear to have no interest in getting it back, so who is Mr. Loblaw to argue?

We are more concerned with how the Charter so brazenly tramples on Quebecers' freedom of religious expression. Of course, the public servants targeted by the Charter of Values also happen to be Canadian citizens, and as such enjoy the protections of our Charter of Rights and Freedoms.

Rarely have we seen such an outrageous attack by a provincial government on cherished Canadian civil liberties. For Mr. Loblaw, the proposed Charter has overtones of such dark legal and historical moments as the 1937 Québec Padlock Law; the 1937 Alberta Press Act; and 1959's *Roncarelli v Duplessis*. None were stellar moments in the annals of Canadian human rights. It seems Madame Marois is determined to add her name to a very dubious list.

Federal Multiculturalism Minister Jason Kenney says the Conservatives will challenge the PQ's Charter of Values before the Supreme



Court if it is enacted. I have some confidence the Court will strike down the Charter if provided the opportunity. In a recent Globe and Mail article, eight of nine constitutional law experts who were polled declared the Charter unconstitutional. The sole holdout was Daniel Turp – who is, by mere coincidence, a former Bloc MP and PQ MNA.

The question is, how long will it take for the wheels of justice to turn on this matter? Six months? A year? Longer? What are the victims of PQ religious oppression to do in the interim?

In this instance, we do not believe a Supreme Court slapdown is quite enough. Quebec's religious freedoms should not be compromised for even so much as a day.

That is why Mr. Loblaw proposes the same solution that worked so well for Ottawa in neutering Alberta's infamous Press Act: disallowance.

Should the PQ succeed in forcing its Charter of Values through the National Assembly, the federal government should invoke s.56 of the Constitution Act, 1867, and immediately declare the legislation ultra vires, and thus of no force or effect.

This action would have two immediate benefits. First, it would send a strong message to all Canadians, and all provincial governments, that Ottawa will not tolerate intolerance. Legislation

as odious as the Charter of Values is not in keeping with human values of diversity and tolerance. As such, it should not be allowed to stand for even a single day.

Second, by invoking its constitutionally-entrenched power of disallowance, the federal government would be sending a clear message to constitutional scholars who cling to the notion that this power has been extinguished through disuse and "convention," despite not having been removed during the 1982 repatriation negotiations.

It is true that disallowance has rarely been used over the last century – and not at all since 1943. But then, rarely has proposed provincial legislation been quite so deeply offensive to the Canadian body politic as it is now. Extraordinary circumstances call for extraordinary measures.

For those among you who declare that invoking the "obsolete" power of disallowance would tear the nation asunder, Mr. Loblaw recalls the sage words of John Kenneth Galbraith: "Politics is not the art of the possible. It consists in choosing between the disastrous and the unpalatable."

Invocation of disallowance may well be unpalatable. But allowing the Charter of Québec Values to stand would be little short of disastrous.



LAW LIBRARY NEWS

Our opening hours for Fall 2013

Friendly reminder: our hours have changed this semester. We will begin providing 24 h access on October 6th. The opening hours for the Fall term are posted at the Law Library's webpage: <http://www.mcgill.ca/library/branches/law>.

New exhibit at the Law Library

In 1958, McGill acquired the personal library of a renowned French legal historian, François Olivier-Martin (1879-1952), with the funds generously donated by a former McGill graduate – Arnold Wainwright.

Olivier-Martin's library consisted of contemporary commentaries and rare materials on the law of Ancien régime. His library reflects with remarkable accuracy the academic interests of its former owner through its three central themes: French customary law, the history of professional corporations and the history of pre-revolutionary French law. This latter theme has been crystallised in three of his most notable works: *Histoire de la coutume de la prévôté et vicomté de Paris* (1922-1930), *Organisation corporative de la France d'Ancien régime* (1938),

and *Histoire du droit français des origines à la Révolution* (1948). The current exhibit features selected titles that represent the best subject focus and the breadth of the original Olivier-Martin library as well as archival documents pertaining to the history of acquisition of the collection. More information about the exhibit can be found on our blog: <http://blogs.library.mcgill.ca/lawlibrary/>.

New platform for vLex database

As of August 19th 2013, vLex database (Latin American and European law) moved to a new platform. The new vLex is more user-friendly and has a new design with options and filters that should allow for more precise and quick searches. vLex can be accessed at Subject guides/ Law/ Legislation and cases- foreign jurisdictions.

Do not forget to check Nahum Gelber Law Library's blog and Facebook page where you can find more Law Library news: <http://www.facebook.com/NahumGelberLawLibrary>
<http://blogs.library.mcgill.ca/lawlibrary/>

OVERHEARD AT THE FAC

Prof. Moyse: Law is not black or white, it's all grey zones and has multiple shades... 50, actually....

Prof. Moyse: La loi change et reflète sa société...il faut être un aventurier pour se marier aujourd'hui... [en levant sa main pour montrer son jonc] Je suis Frodo!

Prof. Moyse [plus tard dans la même cours]: [En regardant son jonc] J'aimerais pouvoir disparaître avec ça.

Prof. [REDACTED] [reading from a judgment]: "The animals did not mind the cricket." [Pause] There is NO empirical evidence for this!

[2L's iphone beeps]

Me. Lamed: There's a message for somebody. I hope it's to say that the cookies are ready.

2L : J'ai hâte à Noël!

Étudiant A : J'ai appliqué pour faire une équivalence avec le bac égyptien!

Étudiant B : Ha, d'accord! Mais, donc, tu ne devras pas refaire tout le diplôme! Tu devras seulement refaire des cours comme Droit Constitutionnel... mais de l'Égypte!

Étudiant A : Hé bien, elle n'en a toujours pas de Constitution! J'espère avoir le temps de finir mon bac avec qu'elle en ait une nouvelle!

Prof. Bachand: The judge will NEVER be there when it happened.

Prof. Forray : Le code, c'est un peu le manuel junior des castors.

Prof. Forray : Tout comme un sheriff ne sort jamais sans son colt, un civiliste ne doit jamais sortir sans son code.

SUBMIT OVERHEARDS!
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